REMARKS

The Official Action dated August 25, 2003 has been carefully considered. Accordingly, the changes presented herewith, taken with the following remarks, are believed sufficient to place the present application in condition for allowance. Reconsideration is respectfully requested.

By the present Amendment, the specification is amended to recite the current priority information. Claims 21 and 28 are amended to include limitations from claims 26 and 29, respectively. Claim 29 is amended to include limitations of claim 27. Claims 31-34 are added to further define the invention, support for which claims may be found throughout the specification, for example at pages 4-5. It is believed that these changes do not involve any introduction of new matter, whereby entry is believed to be in order and is respectfully requested.

Claims 21-27 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. The Examiner asserted that the phrase "at least about" renders the claims indefinite as one of ordinary skill in the art would not be able to ascertain the meets and bounds of the phrase.

Applicant submits that the claims are definite in accordance with the requirements of 35 U.S.C. §112, second paragraph. Accordingly, this rejection is traversed and reconsideration is respectfully requested.

More specifically, with respect to the phrase "at least about" 300°F, Applicant notes that there is no rule that use of the term "about" is prohibited. To the contrary, the Court of Appeals for the Federal Circuit has specifically indicated that use of the term "about" is acceptable in appropriate fact situations, *Amgen, Inc. v. Chugai Pharmaceutical Co., Ltd.*, 18 U.S.P.Q. 1016, 1031 (Fed. Cir. 1991); *W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 220

U.S.P.Q. 303, 316. Moreover, as the specification and claim 21 disclose the effect of the heating to a temperature of at least about 300°F, namely to subject the treated fabric directly to the elevated temperature for reaction of the formaldehyde with the fabric to enhance the property of the fabric, one skilled in the art will be able to easily determine the meets and bounds of "at least about" 300°F. It is therefore submitted that claims 21-25 and 27 are definite and that the rejection under 35 U.S.C. §112, second paragraph, has been overcome. Reconsideration is respectfully requested.

Claims 21-25, 28 and 30 were rejected under 35 U.S.C. §102(b) as unpatentable over the Hendrix et al U.S. Patent No. 4,396,390. The Examiner asserted that Hendrix et al disclose a process for treating a textile fabric by impregnating a fabric with an aqueous solution of formaldehyde and a curing catalyst, followed by drying and curing the fabric at a temperature of 250°F to 450°F.

However, Applicant submits that the processes defined by the present claims 21-25 and 28 are not anticipated by Hendrix et al. Accordingly, this rejection is traversed and reconsideration is respectfully requested.

More particularly, claim 21 is directed to a process for treating a textile fabric to enhance at least one property of the fabric. The process comprises treating the fabric with an aqueous formaldehyde solution and catalyst for catalyzing a reaction between formaldehyde and the fabric; and introducing said fabric into an air circulating oven having an elevated temperature of at least about 300°F to subject the treated fabric directly to the elevated temperature for reaction of the formaldehyde with the fabric to enhance the property of the fabric. The fabric is unresinated and is provided with a silicone elastomer. Claim 28 is directed to a process for treating a fabric, which process comprises (a) introducing a fabric into an aqueous solution comprising formaldehyde; (b) applying to the fabric an effective

amount of a catalyst for catalyzing a reaction between formaldehye and the fabric; and (c) heat curing the fabric under conditions at which the formaldehyde reacts with the fabric. The fabric is unresinated, is provided with a silicone elastomer, and comprises protein fibers.

Hendrix et al disclose a process of treating a textile fabric containing cellulosic fibers to impart crease resistance. The fabric is impregnated with an aqueous solution containing formaldehyde and a curing catalyst and the fabric is dried and cured. While Hendrix et al broadly disclose that drying and curing may be performed in a single step at temperatures of from 250° to 450°F, Applicant finds no further specific teaching relating to temperatures actually employed in the exemplary teachings of Hendrix et al. Moreover, Applicant finds no teaching or suggestion by Hendrix et al of a process wherein fabric is further provided with a silicone elastomer, particularly wherein the fabric is unresinated, as required by claims 21 and 28. As discussed in the present specification, for example at page 17, the silicone elastomer provides fabric enhancement such as improved durable press while reducing loss in tear strength which is typically encountered in processes employing formaldehyde as described by Hendrix et al. Applicant finds no teaching or suggestion by Hendrix et al of such processes as presently claimed, or the improvement provided there by.

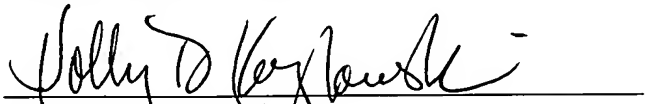
Anticipation under 35 U.S.C. §102 requires that each and every element as set forth in the claims is found, either expressly or inherently described, in a single prior art reference, *In re Robertson*, 49 U.S.P.Q.2d 1949, 1950 (Fed Cir. 1999). In view of the failure of Hendrix et al to disclose processes as presently claimed, providing fabric which is unresinated and provided with silicone elastomer, Hendrix et al do not disclose each and every element of the presently claimed processes and therefore do not anticipate these processes under 35 U.S.C. §102. It is therefore submitted that the rejection under 35 U.S.C. §102 based on Hendrix et al has been overcome. Reconsideration is respectfully requested.

Claims 21-30 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of U.S. Patent No. 5,885,303, claims 1-34 of U.S. Patent No. 6,375,685, claims 1-48 of U.S. Patent No. 6,511,928, and claims 1-38 of U.S. Patent No. 6,528,438.

These rejections are traversed on the basis that the claims of this application are patentably distinguishable from the claims of the cited patents. However, to expedite prosecution, submitted herewith is a Terminal Disclaimer which is believed sufficient to remove the obviousness-type double patenting rejections. The filing of a Terminal Disclaimer simply serves the statutory function of removing the rejection of double patenting and raises neither presumption nor estoppel on the merits of the rejection, *Quad Environmental Technologies v. Union Sanitary District*, 20 U.S.P.Q.2d 1392 (Fed. Cir. 1991). It is therefore submitted that the obviousness-type double patenting rejections have been overcome, and reconsideration is respectfully requested.

It is believed the above represents a complete response to the rejections set forth in the Official Action and places the present application in condition for allowance. Reconsideration and an early allowance are requested.

Respectfully submitted,

By: 

Holly D. Kozlowski
Registration No. 30,468
DINSMORE & SHOHL LLP
1900 Chemed Center
255 East Fifth Street
Cincinnati, OH 45202
(513) 977-8568

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